THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P.NO. 15945 of 2006

Dated: 03.08.2006

Between:-

1. P. Masthan Basha s/o P.Abdul Hameed Sab, aged 43 years, occ: Business, R/o Door No. 15-1-35-12, Dasappa Road, Rayadurg, Ananthapur District
2. A . Farooq s/o A.M. Iliyaz, aged 39 years, occ: Business, R/o Door No. 15-1-12/8, Dasappa Road, Rayadurg, Anantapur District.

…Petitioners

And

1. Regional Transport Officerr, Anantapur, Anantapur District,
2. Motor Vehicles Inspector, Anantapur, Anantapur District.

…Respondents

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
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W.P.NO. 15945 of 2006

O R D E R (Per Hon'ble Sri Justice D. Appa Rao)

The petitioners impugn the seizure of Maxi Cab bearing Registration No. AP 02U 4831 pursuant to the vehicle check report dated 26.07.2006 issued by the 2nd respondent as illegal, arbitrary and contrary to law.

The 2nd petitioner is the owner of Maxi Cab bearing No. AP 02U 4831 covered by permit issued by the 1st respondent, valid upto 22.10.2007. He purchased it from the 1st petitioner under an agreement of sale, dated 22.03.2005. On 26.07.2006 the 2nd respondent checked the vehicle while it was proceeding from Rayadurgam to Anantapur on the following violations.

> "Stopped and checke while proceeding from Rayadurgam to Anantapur with 7 in all (M.P.DO.,R.Dg. on election duty) and found:
> Permit, R.C.,I.C., F.C., Tax, D.L. and PUCC not produced.
> Seized and kept on the premises of Atmakur P.S. under custody."

It seems that the 2nd petitioner filed a representation on 27.07.2006 before the 1st respondent requesting him to release the vehicle. The same is pending.

Heard the learned counsel for parties and with their consent the writ petition is being disposed of at the stage of admission.

A perusal of the check report discloses that the petitioners have to pay taxes due, besides they have to produce driving license, permit etc. Considering the fact that an application is pending before the 1st respondent, we feel that interest of justice would have met if tax due was collected and the vehicle was released pending enquiry.

In the circumstances, we direct the 1st respondent to release the vehicle bearing registration No. AP 02/U 4831 to the 2nd petitioner, on condition of the 2nd petitioner paying the amount of tax due, as determined by the 1st respondent, within a period of one week from today. It is further directed that the enquiry into the other alleged irregularities/violations be completed within a period of four weeks from the date of receipt of a copy of this order and an appropriate action, in accordance with the conclusions reached by the Enquiry Officer, be taken on the petitioners.

With the above directions, the writ petition is disposed of at the stage of admission.

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J.

CHELAMESWAR, J

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D. APPA RAO,J

3rd August, 2006
vp